WASHINGTON STATE EMERGENCY WORKER PROGRAM

State of Washington
Military Department
Emergency Management Division
Search and Rescue Office

Emergency Worker Program

- The Washington State Emergency Worker program is an *Emergency Management* program.
- The Emergency Worker Program is established in and regulated by state law.
- Emergency Workers must be registered.
- Emergency Worker training and employment must be approved by EMD.

Emergency Worker Program

Legal Foundation

- RCW 38.52 – Emergency Management Act
- WAC 118-04 – Emergency Worker Program

Download them here:

http://www.leg.wa.gov/CodeReviser

RCW: Revised Code of Washington (Law)

WAC: Washington Administrative Code (Regulations)

Emergency Worker Program
RCW 38.52

- EMD directed to establish and regulate the program (RCW 38.52.310)
- Liability coverage by the state (RCW 38.52.180)
- Medical, property loss, fuel, and extraordinary expense reimbursement (RCW 38.52.020(1)(d))
- Covers missions, evidence searches, and training

Emergency Worker Program

RCW 38.52.310:

"...establish by rule and regulation various classes of emergency workers, the scope of the duties of each class, and the conditions under which said workers shall be deemed to be on duty and covered by the provisions of this chapter. *The department shall also adopt rules and regulations* prescribing the manner in which emergency workers of each class are to be registered."

WAC 118-04

118-04-020 Purpose and intent.
118-04-040 Scope.
118-04-060 Definitions.
118-04-080 Registration.
118-04-100 Classes of emergency workers.
118-04-120 Classes and qualifications of search and rescue emergency workers.
118-04-160 Establishment of state standards.
118-04-180 Responsibilities of authorized officials registering and using emergency workers.
118-04-200 Personal responsibilities of emergency workers.
118-04-220 Emergency worker duty status.
118-04-240 Mission numbers -- Requests and requirements.
118-04-260 Evidence search mission numbers -- Requests and requirements.
118-04-280 Training event numbers -- Requests and requirements.
118-04-300 Compensation eligibility and compensation board.
118-04-320 Eligibility requirements and procedures for filing personal injury claims.
118-04-340 Eligibility requirements and procedures for filing property loss and damage claims.
118-04-360 Eligibility requirements and procedures for filing fuel, toll, and ferry expense reimbursement claims.
118-04-380 Eligibility requirements and procedures for filing extraordinary expense claims.
118-04-400 After action reporting.
118-04-420 Severability.

Emergency Worker Registration

- Required by WAC 118-040-080
- 18 Classes of Emergency Workers
- Authority to register delegated to local (County and City) DEM
- Permanent Registration
- Temporary Registration (on scene)

Emergency Worker Registration
18 Classes

Administration
Aviation
Communications
Engineering
Fire Service
General
Hazardous Materials
Law Enforcement
Mass Care
Medical
Public Education
Radiological
Search and Rescue
Supply
Training
Transportation
Underwater Diving
Utilities

Responsibilities

WAC 118-04-180 Responsibilities of authorized officials registering and using emergency workers

(1) Ensure volunteers meet basic qualifications. Have skills and abilities to accomplish mission. (WAC 118-04-120)

(2) *Local requirements may include more extensive and detailed criteria*

(3) Ensure emergency workers are aware of personal responsibilities

(4) Safety

(5) ICS

Responsibilities

WAC 118-04-200 Personal responsibilities of emergency workers

(1) Comply with all applicable responsibilities and requirements

(a) Notification of use of medical prescription or other drug

(b) Narcotics or any illegal controlled substance prohibited

(c) Under the influence of alcohol prohibited

(d) *Valid operator's license required*

(e) *Insurance required*

(f) *Adherence to all applicable traffic regulations*

(2) Comply with all other requirements of authorized official

(3) Mentally/physically fit for assigned duties

(4) Check in

Emergency Worker Status
Missions

- WAC 118-04-220
- Mission number issued by EMD
- ***Must be mobilized by and under direction and control of authorized official***
- WAC 118-04-240(5) coverage is Portal-to-Portal

Emergency Worker Status
Training

- Training missions coordinated by local DEM
- Training Mission Numbers issued by EMD for individual events or training series
- Same liability, medical, and property loss coverage as actual missions

Emergency Worker Status
Liability Protection

If properly registered and mobilized:

- **All Emergency Workers are *Indemnified* portal to portal.**

- **In addition, some Emergency Workers ("Covered Volunteers") are *Immunized* while checked-in at the incident.**

Emergency Worker Status

"Indemnity"

RCW 38.52.180

(2) All legal liability for damage to property or injury or death to persons (except an emergency worker, regularly enrolled and acting as such), caused by acts done((,)) or attempted during or while traveling to or from an emergency or disaster, search and rescue, or training or exercise authorized by the department in preparation for an emergency or disaster or search and rescue, under the color of this chapter in a bona fide attempt to comply therewith, except as provided in subsections (3), (4), and (5) of this section regarding covered volunteer emergency workers, *shall be the obligation of the state of Washington*.

Emergency Worker Status

"Immunity"

RCW 38.52.180

(3) *No act or omission by a covered volunteer emergency worker while engaged in a covered activity shall impose any liability* for civil damages resulting from such an act or omission upon:

(a) The covered volunteer emergency worker;

(b) The supervisor or supervisors of the covered volunteer emergency worker;

(c) Any facility or their officers or employees;

(d) The employer of the covered volunteer emergency worker;

(e) The owner of the property or vehicle where the act or omission may have occurred during the covered activity;

(f) Any local organization that registered the covered volunteer emergency worker; and

(g) The state or any state or local governmental entity.

Emergency Worker Status

"Immunity"

RCW 38.52.180

(4) The immunity in subsection (3) of this section applies only when the covered volunteer emergency worker was engaged in a covered activity:

(a) Within the scope of his or her assigned duties;

(b) Under the direction of a local emergency management organization or the department, or a local law enforcement agency for search and rescue; and

(c) The act or omission does not constitute gross negligence or willful or wanton misconduct.

Emergency Worker Status

"Covered…"

RCW 38.52.180

(5) For purposes of this section:

(a) "Covered volunteer emergency worker" means an emergency worker as defined in RCW 38.52.010 who (i) is not receiving or expecting compensation as an emergency worker from the state or local government, or (ii) is not a state or local government employee unless on leave without pay status.

(b) "Covered activity" means:

(i) Providing assistance or transportation authorized by the department during an emergency or disaster or search and rescue as defined in RCW 38.52.010, whether such assistance or transportation is provided at the scene of the emergency or disaster or search and rescue, at an alternative care site, at a hospital, or while in route to or from such sites or between sites; or

(ii) Participating in training or exercise authorized by the department in preparation for an emergency or disaster or search and rescue.

Emergency Worker Claims

- Coverage is NOT L&I workers compensation or any other insurance.
- Claims must be filed ***through local DEM.***
- Forms on EMD Web site:

  http://emd.wa.gov/search_rescue/sar_forms.shtml
- Instructions on form and in WAC 118-04.

Summary

- ✓ The Washington State Emergency Worker Program is an *emergency management program*.
- ✓ The authority for the program is RCW 38.52.310.
- ✓ The rules governing the program are WAC 118-04.
- ✓ Emergency Workers must be registered.

Summary

- ✓ Authority to register qualified Emergency Workers rests with local directors of emergency management and the state director. This authority may be delegated.
- ✓ A mission number must be issued by EMD for the Emergency Worker program protections to be in force.
- ✓ Emergency Workers must be mobilized by and under direction and control of authorized official.
- ✓ Emergency Worker claims must be filed through the local DEM.

Chris Long
State Coordinator of SAR Operations
State EOC Bldg 20
Camp Murray WA 98430-5122
253-512-7024
C.Long@EMD.WA.gov

State of Washington
Military Department
Emergency Management Division
Search and Rescue Office
http://emd.wa.gov